

Remarks

Claims 1, 3-5, and 8-35 are pending in the application. Claims 2, 6, and 7 have been canceled. Claims 1, and 3-5 have been amended. Support for the claim amendments can be found throughout the application, including the Exemplification. Importantly, no new matter has been added to the claims. Further, the amendments to the claims should in no way be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. Applicant expressly reserves the option to further prosecute the same or similar claims in the instant application or subsequent patent applications entitled to the priority date of the instant application. 35 USC § 120.

Claim Rejections Based on 35 USC § 102(e) or 103(a)

Claims 1-35 stand rejected under 35 U.S.C. § 102(e) or 103(a), based on the Examiner's contention that they are anticipated by, or obvious in light of, Hartwig et al., United States Patent 6,057,456 ("the '456 patent").

In overview, the '456 patent issued on May 2, 2000, based on a utility application filed October 15, 1998; which claimed priority to a provisional application filed October 16, 1997. Therefore, October 16, 1997 is the earliest effective filing date that may be attributed to the '456 patent. The instant application is a continuation-in-part application filed on January 27, 1999; which claims priority to a utility application filed November 20, 1998; which claimed priority to a provisional application filed November 20, 1997. Therefore, the effective filing date of the instant application is November 20, 1997.

The Applicants have amended claim 1 to limit the definition of the transition metal catalyst. Specifically, in amended claim 1 the transition metal catalyst "consists essentially of a Group VIIIA metal; and at least one non-chelating ligand." The Applicants respectfully contend that the amended claims are not anticipated by or obvious in light of the '456 patent because the teachings of the '456 patent are limited to methods using "at least one chelating ligand selected from the group consisting of unsaturated Group 15 heterocycles, Group 15-substituted metallocenes, Group 15-substituted alkanes, and Group 15-substituted arylenes." In other words,

the Applicants respectfully assert that teachings as to methods using only "chelating ligands" do not anticipate or render obvious methods which use only "non-chelating ligands."

Accordingly, withdrawal of the rejections under 35 U.S.C. § 102(e) or 103(a) is respectfully requested.

Conclusion

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned at (617) 832-1000.

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Respectfully submitted,
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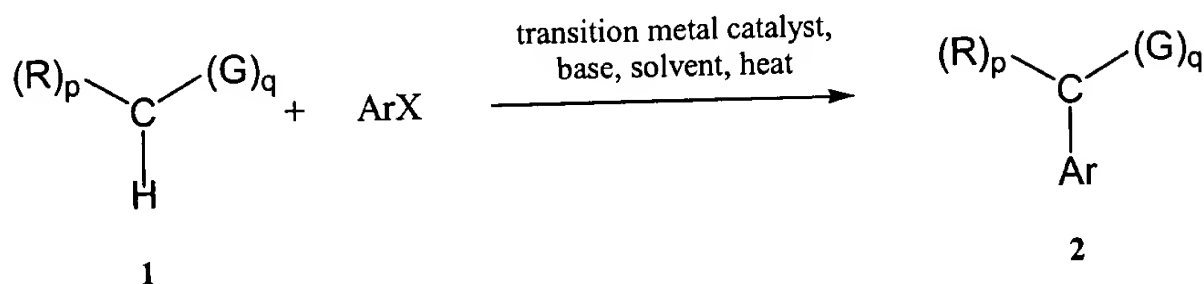


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Marked-up Version of Amended Claims Showing Changes Made

1. (amended) [The] A method represented by [the generalized reaction depicted in]

Scheme 1:



Scheme 1

wherein

G represents, independently for each occurrence, an electron withdrawing group selected from the group consisting of formyl, acyl, -C(O)OR, -C(O)NR₂, nitro, nitroso, -S(O)₂R, -SO₃R, -S(O)₂NR₂, -C(NR)-R, -C(NOR)-R, and -C(NNR₂)-R;

R represents, independently for each occurrence, hydrogen, alkyl, aryl, heteroalkyl, heteroaryl, halogen, alkylamino, arylamino, alkylthio, arylthio, alkoxy, aryloxy, or -(CH₂)_m-R₈;

Ar represents an aromatic or heteroaromatic moiety;

X represents halogen, -OTf, -ONf, -OTs, -OMs, (alkyl)S(O)₂O-, or (aryl)S(O)₂O-;

the transition metal catalyst [comprises] consists essentially of a Group VIIIA metal; and at least one non-chelating ligand;

base represents a Bronsted base;

R₈ represents independently for each occurrence a substituted or unsubstituted aryl, cycloalkyl, cycloalkenyl, heterocycle or polycycle;

m, independently for each occurrence, is an integer selected from the range 0 to 8 inclusive;

q is an integer selected from the range 1 to 3 inclusive; and

p is an integer equal to (3-q).

2. **(canceled)** [The method of claim 1, wherein the transition metal catalyst comprises a bidentate ligand.]
3. **(amended)** The method of claim 1, wherein [the transition metal catalyst comprises an] said at least one non-chelating ligand is an asymmetric ligand; and the reaction produces a non-racemic mixture of a chiral compound 2.
4. **(amended)** The method of claim 1, wherein the [transition metal catalyst comprises] Group VIIIA metal is palladium, platinum, or nickel.
5. **(amended)** The method of claim 4, wherein the [transition metal catalyst comprises] Group VIIIA metal is palladium.
6. **(canceled)** [The method of claim 5, wherein the transition metal catalyst comprises palladium and a bidentate ligand.]
7. **(canceled)** [The method of claim 6, wherein the transition metal catalyst comprises palladium and an asymmetric bidentate ligand.]